

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2908 OF 2005

IN

FIRST APPEAL NO. 1147 OF 2003

Office Notes, Office Memoranda of :
coram, appearances, Court's Orders: Court's or Judge's orders
or directions and Registrar Orders:

Ms. A.R.S. Baxi for the Applicants.

Mr.N.V. Walavalkar for Respondent No.1.

CORAM : H.L. GOKHALE &
MRS. R.S. DALVI, JJ.

DATE : 11TH OCTOBER 2005

P.C. :

1. Heard Ms.Baxi for the Applicants.

2. The Civil Application points out that although an order was passed to pay the interest amount to Applicant No.1, widow of the deceased, to the extent of 3/5th interest from the investment, the amount was not being released. The Civil Application seeks appropriate direction.

3. After a copy of this Civil Application was served on Respondent

No.4 - State Bank of India, the Bank has sent a letter dated 12th July 2005 in response to the letter of Ms.Baxi dated 4th July 2005. A letter from the Bank dated 7th January 2005 addressed to the Joint Civil Judge, Senior Division< pune is also on record. It points out that the parents of the deceased Anil Orape have also subsequently passed away. This being the position, now the best course will be that the entire interest on the investment ought to be paid to Applicant No.1 who is the widow of the deceased who is taking care of the two minor children both aged less than 10 years.

3. In the circumstances, we allow this Civil Application and direct Respondent No.4 - State Bank of India to pay the interest to Applicant No.1 in its entirety.

4. Civil Application stands disposed of with the above order.

(H.L. GOKHALE, J.)

(MRS. R.S. DALVI, J.)